

**California Department of Transportation  
Native American Advisory Committee  
Quarterly Meeting Minutes  
October 23, 2002**

Dave Nenna, Executive Secretary, called the meeting to order and welcomed all in attendance at 9:22 a.m.

**Roll Call:** Betty Miller, NA Liaison, called Roll. Committee members in attendance were Joseph Garcia, Sr., Michael Holman, Vlayn McCovey, Joseph A. Myers, Dave Nenna and Kathy Wallace. Alternate members in attendance were Aaron L. T-Holstine and Martin Martinez (for Lorenda Sanchez). Brian J. Smith, Deputy Director, Planning and Modal Programs, was in attendance as the Director's representative.

**Adopt Agenda:** Motion by Joseph A. Myers; Second by Michael Holman to adopt the Agenda, with modification. Old Business Item 9., Department Policy/Highway Safety, was moved to Item 2 position to accommodate California Department of Transportation representatives from the Division of Traffic Operations. Vote was 7 For, 0 Against, 0 Abstain

**Approve Minutes:** Minutes of the July 24, 2002 meeting were approved. Motion by Michael Holman; Second by Kathy Wallace. Vote was 7 For, 0 Against, 0 Abstain.

**OLD BUSINESS:**

**1. Contracting with Tribes.** Brian J. Smith announced that the Department's Legal Division will seek clarification from the California Attorney General regarding the legal status of Tribal Governments, which is unclear to the Department. A representative from the Legal Division will attend the next quarterly Committee meeting.

**2. Department Policy/Highway Safety.** Joan Sollenberger, Chief, Division of Transportation Planning, introduced representatives from the Division of Traffic Operations: Jack Boda, Division Chief; Asif Haq, Assistant Program Manager; and Craig A. Copelan, Chief, Traffic Safety Research Branch. Messrs. Boda, Haq and Copelan attended the meeting in response to a request from the Yurok Tribe to Director Morales via letter (July 16, 2002) that the Department work to improve the safety for travelers on Highway 169. The Yurok Tribe requested, in addition, a review of statewide highway improvement policy.

Mr. Haq explained that the Department's safety improvements to the highway system as part of its Collision Reduction Program are based upon

accidents reported, reducing potential accidents and upgrading median barriers. He described how safety improvements are selected and programmed (budgeted), as well as the steps involved in determining the priority of projects.

In response to questions posed by Vlayn McCovey, Mr. Haq indicated that the method involved in determining improvements as part of the Collision Reduction Program are geared to large traffic, high population areas and that the money for these projects has already been spent for 2002. However, under the Run-off Road Improvements category of safety improvements, a number of options are possible: Placing rumble strips on edges of pavement; placing guardrails along road (one project is underway for Highway 169 and another is under design); and more and different kinds of signs. Additionally District 1 is working with the Yurok Tribe to establish short and long range plans for improvement.

One impediment to solutions under the Collision Reduction Program is the requirement to report all accidents to the California Highway Patrol (CHP), which some tribal members are not comfortable in doing. Jack Boda indicated that he meets with the CHP quarterly, and will learn whether the tribal police can receive accident reports and/or if there is another possible solution regarding the reporting requirements. Kathleen Sartorius, NA Liaison, District 1, reported that thirty (30) signs have been ordered, three (3) places along Highway 169 have been scheduled for guardrail installation and District 1 is forming an advisory committee among the Department, the Regional Transportation Planning Agency and the district.

Another major contributing factor to accidents is driver behavior. Mr. Haq indicated that District 1 is checking into driver safety options---education and information. In response to Mr. Boda's query if there is a statewide interest in education and information, Joseph Myers indicated that there probably is, but that there is a sensitivity issue, too. Mr. Boda voiced a need to use the services and products from the Department's Office of Traffic Safety.

Joseph Myers will chair a subcommittee and work on driver safety and rural issues prior to the next Committee meeting.

**3. Reauthorization Act.** Joan Sollenberger reviewed the strategy of California's effort to present an unified position to the U.S. Congress for more, and equitable, funding under the 2003 reauthorization. Support for an agreement of principles is being received from groups of all kinds throughout the State. The Department will keep the tribes posted on any proposals that will need a response from them.

Vlayn McCovey announced that she and the legislative committee for the National Congress of American Indians (NCAI) could use some help in preparing the comments regarding proposed funding.

Cynthia Gomez called attention to the efforts of Vlayn McCovey and Michael Holman, as well as Gene Preston, Chairman, Pit River Tribe; Kevin Siva, Chairman, Reservation Transportation Authority; and Lorenzo Clark, Consultant for the Los

Coyote Band of Indians, who worked on the CFR 170, Indian Reservation Roads (IRR) Program funding formula on behalf of all California tribes.

**4. Legislative Subcommittee Report.** Mr. Masiel, Subcommittee Chairman, was unable to attend. Report deferred to next meeting.

**5. Highway Landscaping Subcommittee.** Kathy Wallace, Subcommittee Chairperson, reported that work is progressing on an information packet for the Committee, District Coordinators, Landscape Architects and botanists.

The subcommittee has been working with the Maintenance Department regarding the protection of native plants for gatherers, as well as their possible use in landscaping plans (including mitigation). Maintenance is in the process of implementing its Integrated Maintenance Management System (IMMS), and now would be a good time to incorporate the native plant landscaping and protection into the system. IMMS will integrate the Department's Vegetation Control Plan (Vegcon), which will allow Maintenance to access numerous levels of information regarding plants in the system---location, type, corollary information (e.g., endangered species), etc. Incorporating gathering sites into the system will allow for special instructions, as well, such as when to spray, whether to spray, when to cut, etc.

The Maintenance Department has requested that information be received and given through the Environmental Department.

Ms. Wallace indicated that the number of basketweavers is steadily increasing and the meetings have enjoyed greater attendance.

**6. Environmental Subcommittee Report.** Ms. Priebe expressed her appreciation to Irenia Quitiquit and Aaron A-Holstine of Robinson Rancheria for their help in conducting the Environmental Justice training at Robinson Rancheria on August 22, 2002.

Jila Priebe provided a progress report on the monitoring policy. The initial policy draft to the Committee will be in a memo format.

Tina Biorn, Native American Liaison, Cultural and Community Studies Office, explained the different sections of the proposed policy memo. Attachment 1 is a copy of the draft memo regarding the "Current Policy and Practice for employing Native American monitors."

In response to a query from Joseph Myers regarding repatriation of human remains, Ms. Biorn outlined the governance: Health and Safety Code Section 7050.5 and California Public Resource Code 5097.98 requires that the coroner be notified when human remains are discovered. The coroner contacts the Native American Heritage Commission (NAHC) if the remains appear to be Native American. The NAHC designates a most likely descendant who Environmental works with to determine the treatment of the remains and any associated artifacts.

The Department is working with repositories that have human remains and associated artifacts recovered from past projects to repatriate those remains and artifacts to tribes, as provided for in the Native American Graves Protection and Repatriation Act.

7. **Big Sandy Rancheria/Fresno Council of Governments (Resolution 02-1)**. Cynthia Gomez reported that the issue was currently on hold. District 6 Director Mike Leonardo signed the Memorandum of Understanding among Big Sandy, Fresno Council of Governments and the District.

8. **Title Transfer Procedures for Excess Mobile Equipment Sold to Tribal Governments**. Betty Miller referred the Committee to handouts with the meeting packets: 1. DMV Form REG 256, "Miscellaneous Statements of Fact," to be used if DMV continues to bill Tribes (or other organizations) for registration of vehicles that have been issued "I" plates by the Bureau of Indian Affairs. The form was completed as an example to indicate which sections apply; 2. A copy of California Vehicle Code Section 9104.5, which addressed registration fees for federally recognized Indian tribes.

9. **Deputy Directive Number 74, "Tribal Employment Rights Ordinances (TEROs)"** Alex Morales, NA Liaison, Civil Rights, announced that the Deputy Directive had been published, and that his office is in the process of preparing a guide for distribution to tribes.

#### **NEW BUSINESS:**

1. **Tuolumne Rancheria Traffic Study Report, Caltrans Assistance with Tribal Transportation Planning**. Stan Anderson, Transportation Planner, Tuolumne Rancheria, thanked the Department for its decision to continue assisting Tuolumne Rancheria with its traffic planning reports.

2. **Transportation for Economic Development Study**. Bill Felts, Senior Transportation Planner, Division of Transportation Planning, described a consultant study being conducted by the Department for the purpose of identifying transportation projects that could support economic development within the State's low-income areas. Twenty-five areas have been identified based upon the employment rate, medium family income and the poverty rates. In November and December the consultants will conduct mini-conferences with local officials, including tribal representatives, to identify appropriate projects.

3. **IGR/Encroachment Permit Policies**. Ron Helgeson, Manager, Intergovernmental Review (IGR) Program, responded to questions from the Committee's Environmental Subcommittee regarding the Department's role in protecting cultural resources outside its right-of-way and policy for issuance or denial of encroachment permits. Copies of a Department Memorandum, "IGR/Encroachment Permit Policies," dated September 10, 2002 were distributed to the Committee, and Mr. Helgeson discussed each subject as requested by the Subcommittee. Attachment 2 is a copy of the memorandum.

4. **Tribal Transportation Planning Academy Schedule/2003.** Betty Miller queried the Committee relative to a preferred date in 2003 for the Academy. Committee will rely on staff to determine date and location.

5. **Division of Transportation Planning Academy Attendance.** The Department's Division of Transportation Planning Academy schedule for the remainder of 2002 through Spring 2003 was provided to the Committee.

6. **Statewide Conference/2003.** Cynthia Gomez is working with a number of different State agencies in preparation for the conference, and she will announce the date at the next Committee meeting.

7. **2003 Committee Meetings Schedule.** The Committee confirmed that the first quarterly meeting for 2003 is January 29<sup>th</sup> at the Woodland facility. The Committee will establish the following dates for 2003 in January.

#### **ANNOUNCEMENTS/OPEN FORUM:**

1. Letter requesting nominations for the 2003/2004 Committee term sent to Tribal Governments and Organizations on October 2, 2002.

2. National Congress of American Indians (NCAI) 59<sup>th</sup> Annual Conference, November 10-15, 2002, Town & Country Resort, San Diego.

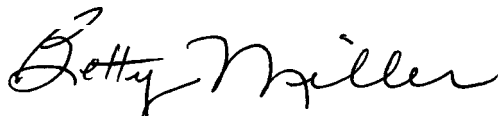
3. Intertribal Transportation Association (ITA) Conference, December 16-19, 2002, San Diego.

4. Environmental Protection Agency (EPA) Award presented to Irenia Quitiquit, Robinson Rancheria, October 23, 2002, during the EPA Conference in Reno.

5. Joan Sollenberger announced that there was one week left to apply for the Transportation Planning Grants, due November 1, 2002; and the 2002/2003 Planning grant letters should be send out the during the week of October 28, 2002.

#### **ADJOURNMENT:**

Motion by Martin Martinez to adjourn the meeting; Second by Kathy Wallace. Vote was 8 For, 0 Against, 0 Abstain. The meeting was adjourned at 2:45 p.m.



Submitted by: Betty Miller  
Native American Liaison Branch

Attendance in addition to Committee members and Director's representative:

Jack Boda, California Department of Transportation  
Asif Haq, California Department of Transportation  
Craig Copelan, California Department of Transportation  
Bill Felts, California Department of Transportation  
Ron Helgeson, California Department of Transportation  
Joan Sollenberger, California Department of Transportation  
Sharon Scherzinger, California Department of Transportation  
Alex Morales, California Department of Transportation  
Cynthia Gomez, California Department of Transportation  
Jila Priebe, California Department of Transportation  
Jo Sanford, California Department of Transportation  
Derek Sheldon, Mooretown Rancheria  
Aaron L. T-Holstine, Robinson Rancheria  
Tina Biorn, California Department of Transportation  
Stephen Waltz, Potter Valley Tribe  
Terri Pencovic, California Department of Transportation  
Jane Perez, California Department of Transportation  
Kathleen Zahnizer, California Department of Transportation  
Emmanuel Mekwunye, California Department of Transportation  
Seana Gause, California Department of Transportation  
Gene Preston, Pit River Tribe  
Marta Frausto, California Department of Transportation  
Stan Anderson, Tuolumne Rancheria  
Michele Fell, California Department of Transportation  
Martin Martinez, Redwood Valley Reservation  
Kathleen Sartorius, California Department of Transportation  
Mario Orso, California Department of Transportation